REMARKS

The Office Action mailed May 9, 2007 has been carefully considered. Within the office action Claims 1, 3-9, 12-20, 22, 23, 26-33 and 37-39 have been rejected. The Applicants have amended Claims 1, 12, 28 and 30. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Information Disclosure Statement

The Applicants had previously filed an Information Disclosure Statement (IDS) with the USPTO on February 23, 2004. The Examiner has indicated on the first page of the IDS filed February 23rd that the "references had been considered". However, it is unclear whether the Examiner had considered the references on the remaining pages (copies attached), since those pages do not indicate the references had been considered. Thus, the Applicants respectfully request acknowledgement of the remaining pages of the IDS filed on February 23, 2004.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 30 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regards as the invention. The Applicants have amended Claim 30 to overcome the rejection. Accordingly, the Applicants respectfully request that the rejection be withdrawn.

Judicially-created Double Patenting

Within the office action, Claims 1,3-9, 12-20, 22, 23, 26-33, 37-39 were rejected for allegedly being unpatentable under the non-statutory obviousness type double patent rejection of U.S. Patent No. 6,184,868. The Applicants respectfully traverse.

However, to expedite prosecution of the present application, the Applicants have submitted a terminal disclaimer statement to overcome this rejection over US 6,184,868. Accordingly, the Applicants respectfully request withdrawal of this rejection.

Rejection under U.S.C. § 102

Claims 1, 3-9, 28-30 stand rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 5,142,931 Menahem et al. (hereinafter referred to as "Menahem"). The Applicants respectfully traverse.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Claim 1 has been amended to further clarify the Applicants' claimed embodiment without unnecessarily limiting the scope of Claim 1. In particular, amended Claim 1 recites, among other things, a housing having a fixed portion and a moveable portion, wherein the fixed portion is adapted to be engaged to an arm of a linkage mechanism about a pivot point such that the fixed and moveable portions together rotate about the pivot point. Menahem does not disclose that portions 10 and 20 are both rotatable about a pivot point of an arm of a linkage in which the fixed portion is engaged to the arm of the linkage. Considering that Menahem does not disclose each and every element/limitation of the claimed subject matter in Claim 1, Claim 1 is distinguishable over Menahem. For at least these reasons, Claim 1 is in a condition for allowance.

Claims 3-9 and 28-30 are dependent on Independent Claim 1, which is allowable for at least the reasons stated above. Accordingly, Claims 3-9 and 28-30 are allowable for being dependent on an allowable base claim.

Rejection under 35 U.S.C. § 103

Within the office action Claims 1, 3-9, 12-20, 22, 23, 26-33 stand rejected under 35 U.S.C. as being allegedly unpatentable over U.S. Patent No. 5,142,931 Salcudean in view of Menahem. The Applicants respectfully traverse.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991).

In determining obviousness four factual inquiries must be looked into in regards to determining obviousness. These are determining the scope and content of the prior art; ascertaining the differences between the prior art and the claims in issue; resolving the level of ordinary skill in the pertinent art; and evaluating evidence of secondary consideration. Graham v. John Deere, 383 U.S. 1 (1966); KSR Int'l Co. v. Teleflex, Inc., No 04-1350 (U.S. Apr. 30, 2007) (" Often, it will be necessary . . . to look into related teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit**.") (emphasis added).

In particular to Claim 1, neither Salcudean nor Menahem disclose that the fixed and moveable portions of the housing are both rotatable about a pivot point of an arm of a linkage in

which the fixed portion is engaged to the arm of the linkage. Under the Graham factors, the scope and content of the Salcudean device is centered around a user device which moves in a horizontally planar motion. This is explicitly clear in how the coil magnets are configured within the housing 12 as well as with respect to one another. In other words, one skilled in the art reading Salcudean without the benefit of Applicants' specification would not find the motivation from Salcudean to have a housing with fixed and movable portions which together rotate with respect to an arm of a linkage mechanism about a pivot point. For arguments sake, if one skilled in the art were to combine Salcudean with Menahem, the combination would not reach fixed and moveable portions of the housing together being rotatable about a pivot point on the arm of the linkage mechanism. For at least these reasons, Claim 1 is allowable over the cited references.

With respect to Claim 12, for at least the same reasons stated above, one skilled in the art would find no motivation apparent reason to combine Salcudean with Menahem in reaching a housing adapted to be engaged to an arm of a linkage mechanism about a single pivot point, wherein the housing is rotatable with respect to the arm about the single pivot point. Even if one skilled in the art were to combine Salcudean with Menahem, the combination would not reach each and every element in Claim 12, particularly that the housing is rotatable about a single pivot point about the arm. For at least these reasons, Claim 12 is allowable over the cited references.

With regards to dependent Claim 28, Applicants have amended Claim 28 that the fixed and moveable portions are engaged and manipulatable by one hand of the user. There is absolutely no way that one skilled in the art reading Salcudean would find it possible to hold the housing 12 of the device while, at the same time, manipulating a "typical" mouse or joystick in one hand. Therefore, Claim 28 is patentable over the cited references.

Claims 3-9 and 28-30 are dependent on Independent Claim 1, which is allowable for at least the reasons stated above. Additionally, Claims 13-20, 22, 23, 26, 27 and 31-33 are

dependent on Independent Claim 1, which is allowable for at least the reasons stated above. Accordingly, Claims 3-9, 13-20, 22, 23, 26-33 are allowable for being dependent on allowable base claims.

Conclusion

It is believed that this Reply places the above-identified patent application into condition for allowance. Early favorable consideration of this Reply is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

Dated: 8/9/07

S. Bhat

Suvashis Bhattacharya
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	2	of	9

Complete if Known	
Application Number	
Filing Date	Herewith
First Named Inventor	Erik SHAHOIAN
Group Art Unit	
Examiner Name	
Attorney Docket Number	IMMR-046/02US

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Examiner Signature		Date Considered	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	3	of	9

Complete if Known

Application Number	
Filing Date	Herewith
First Named Inventor	Erik SHAHOIAN
Group Art Unit	
Examiner Name	
Attorney Docket Number	IMMR-046/02US

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Examiner Signature		Date Considered	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	
				Filing Date	Herewith
				First Named Inventor	Erik SHAHOIAN
(use as many sheets as necessary)				Group Art Unit	
				Examiner Name	
Sheet	4	of	9	Attorney Docket Number	IMMR-046/02US

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Examiner Initials*	Cite No.[1]	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T[4]
		Office[1]	Number[2]	Kind Code[3] (if known)			
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[2] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.
[3] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.
[4] Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Regina Liang/	Date Considered	12/06/2006

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